

[illegible]

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** 10/29/2019

Description of property to be sold: the estate's rights, title and interest in real property located at 1245 Highland Avenue, Colton, CA 92323-2412 ("Colton Property") for \$318,000.00 ("Purchase Price") on the terms set forth in sale documents attached to the Motion (collectively, "Purchase Agreement")

Terms and conditions of sale: please see Attachment to this notice

Proposed sale price: \$318,000 subject to overbids

Overbid procedure (if any): please see Attachment

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

November 12, 2019 at 2:00 p.m.

United States Bankruptcy Court

Courtroom 225

3420 Twelfth Street

Riverside, CA 92501-3819

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Amy L. Goldman / Lovee D. Sarenas

Lewis Brisbois Bisgaard & Smith, LLP

633 West 5th Street, Suite 4000

Los Angeles, CA 90071

Tel.: 213.250.1800

Fax: 213.250.7900

Email: lovee.sarenas@lewisbrisbois.com

Date: 10/18/2019

ATTACHMENT

A. Terms and Conditions of Sale

- a. Trustee agreed to sell to the proposed buyers Kristian Luong and Huey Luong (collectively, "Buyers") or to a successful overbidder approved by the Trustee and the Court, on the terms set forth in the sale documents (collectively, "Purchase Agreement") attached to the Motion, the estate's rights, title and interest in real property located at 1245 Highland Avenue, Colton, CA 92323-2412 ("Property") for \$318,000.00 ("Purchase Price").
- b. An Earnest Money Deposit in the sum of \$5,000 has been delivered to Ambergate Escrow, Inc. upon the execution of the Purchase Agreement. If the Buyers are not the successful purchaser or if the sale to the Buyers are not approved by the Bankruptcy Court, the Earnest Money Deposit will be fully refunded to Buyers. If Buyers are the successful purchasers but fail to close escrow, the Earnest Money Deposit becomes non-refundable.
- c. The current sale of the Colton Property is free and clear of all interests, liens and/or claims. The preliminary title report on the Colton Property reflects the following liens and security interests that have been recorded against the Debtor's Property as of the Petition Date: (1) PHH Mortgage Services, ("Ocwen") has a Deed of Trust recorded on 12/30/2004 in the sum of \$156,905.21; and (2) Discover Bank holds an abstract of judgment recorded on 2/21/2018 in the sum of \$6,783.11. These amounts may be subject to an adjustment at the close of escrow.
- d. The sale of the Property is subject to an overbid process described below to be approved by the Bankruptcy Court. Any potential overbidder shall be required to provide an earnest money deposit of not less than \$5,000. The sale is subject to incremental overbids of not less than \$5,000.
- e. The Motion also seeks a finding of a good faith purchaser within the meaning of § 363(m).
- f. The Motion also seeks authorization for the payment of a 4% brokers' commission due at the close of escrow and a waiver of the stay pursuant to Fed. R. Bankr. Proc. 6004(h).

B. Overbid Procedure:

1. **Overbid Requirements.** Any party wishing to participate in the overbid process must notify the Trustee or the Trustee's professionals of his/her/its intention to do so no later than three (3) calendar days before the hearing on the Motion.

Each party participating in the overbid process (except for the Buyers who paid the Earnest Money Deposit) must remit to the Trustee, prior to the hearing on the Motion, a deposit in the form of a cashier's check or money order made payable to the Trustee, solely in his capacity as Chapter 7 Trustee, in the amount of \$5,000. The deposit shall not be refundable if such party is the successful bidder and is thereafter unable to complete the purchase of the property per the terms of the proposed sale after entry of an order approving this Motion.

2. **Bidding At Sale.** Buyer is entitled to overbid. Each party or their authorized representative (including the Buyers) must be present either physically or telephonically at the hearing on the Motion in order to participate in the overbid process. Any initial overbid for the Property must be in an amount not less than \$323,000 (i.e., \$5,000 more than the Purchase Price). Subsequent minimum bid increments shall be set at not less than \$5,000. Any party participating in the overbid process shall not be precluded from continuing to make bids after initially passing his/her/its turn or turns to overbid.
3. **Backup Bidder.** The qualified bidder who submits the second best/highest bid for the Property may be designated as the backup bidder. The successful bidder shall then become the buyer under the same terms and conditions as set forth in the Purchase Agreement and shall waive all contingencies regarding the purchase of the Property. Furthermore, if the successful bidder cannot deliver the balance of the overbid

sale price within fifteen (15) calendar days after the entry of an order granting the Motion, the Trustee shall be authorized to accept the offer made by the next highest bidder and the successful bidder's deposit shall be non-refundable.

4. ***Closing of Sale and Forfeiture of Deposits.*** The successful bidder must pay the full amount of the successful bid to the Trustee within fifteen (15) calendar days after the entry of an order granting the Motion. If the winning bidder fails to do so, the winning bidder will be deemed to have forfeited his/her/its deposit without further notice, hearing or order of the bankruptcy court.

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PROOF OF SERVICE

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 633 W. 5th Street, Suite 4000, Los Angeles, CA 90071.

A true and correct copy of the foregoing document described as **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On October 18, 2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- Karl T Anderson (TR) 2edansie@gmail.com, kanderson@ecf.axosfs.com
- William Radcliffe docoflaw@aol.com
- Lovee D Sarenas lovee.sarenas@lewisbrisbois.com
- Valerie Smith claims@recoverycorp.com
- United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

[] Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On October 18, 2019, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

[X] Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR E-MAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on October 18, 2019, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

October 18, 2019
Date

Marion Diamond
Type Name


Signature

SERVICE LIST
In re Monica Del Cano
6:18-bk-14098-MW

BY US MAIL:

DEBTOR:

Monica Del Cano
dba Del Cano, Family Daycare
1245 Highland Avenue
Colton, CA 92324-2412

BUYERS:

Kristian Luong and Huey Luong
c/o RE/MAX Lighthouse
10423 Valley Blvd., #B-1
El Monte, CA 91731

LIDO PACIFIC ASSET MANAGEMENT:

Lido Pacific Asset Management
c/o Richard Halderman, Jr.
3857 Birch Street, Suite 480
Newport Beach, CA 92660

OCWEN LOAN SERVICING, LLC:

Ocwen Loan Servicing, LLC
P.O. Box 24738
West Palm Beach, FL 33416-4738

DISCOVER:

Discover Bank
P.O. Box 15316
Wilmington, DE 19850-5316

Discover Financial Services LLC
P.O. Box 3025
New Albany, OH 43054-3025

Discover Bank
Discover Products Inc.
P.O. Box 3025
New Albany, OH 43054-3025

THE HONORABLE MARK S. WALLACE:

United States Bankruptcy Court
Central District of California
Santa Ana Division
411 West Fourth Street, Suite 6135
Santa Ana, CA 92701-4593

BY EMAIL: lidopacmgt@aol.com

Richard Halderman
4000 Birch Street, Ste 113
Newport Beach, CA 92660

PLEASE SEE ATTACHED LIST OF CREDITORS

4849-3550-7625.1 This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

Label Matrix for local noticing
0973-6
Case 6:18-bk-14098-MW
Central District of California
Riverside
Fri Oct 18 07:48:37 PDT 2019

Riverside Division
3420 Twelfth Street,
Riverside, CA 92501-3819

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Calvary SPV 1, LLC
500 Summit Lake Drive #400
Valhalla, NY 10595-2321

Chase/Bank One Card Services
Box 15298
Wilmington, DE 19850-5298

Citi Cards
Box 6500
Sioux Falls, SD 57117-6500

Citicards
Box 6241
Sioux Falls, SD 57117-6241

Comenity/Victoria's Secret
Bankruptcy Dept
Box 182125
Columbus, OH 43218-2125

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Discover Bank
Discover Products Inc.
PO Box 3025
New Albany, OH 43054-3025

Hyo Jin Julia Jung
Midland Funding
10601-G Tierrasanta Blvd #4540
San Diego, CA 92124-2616

Midland Funding LLC
PO Box 2011
Warren MI 48090-2011

Midland Funding, LLC
2365 Northside Drive #300
San Diego, CA 92108-2709

Northland Group Inc.
Box 390905
Mail Code CBK9
Minneapolis, MN 55439-0905

Ocwen Loan Servicing, LLC
Box 24738
West Palm Beach, FL 33416-4738

Pomona Valley Hospital
Box 840960
Los Angeles, CA 90084-0960

SYNCB/GAPDC
Box 965005
Orlando, FL 32896-5005

Synchrony Bank/Care Credit
Bankruptcy Dept
Box 965061
Orlando, FL 32896-5061

United States Trustee (RS)
3801 University Avenue, Suite 720
Riverside, CA 92501-3255

Winn Law Group
110 East Wilshire Avenue #212
Fullerton, CA 92832-1960

Karl T Anderson (TR)
340 South Farrell Drive, Suite A210
Palm Springs, CA 92262-7932

Monica Del Cano
1245 Highland Avenue
Colton, CA 92324-2412

Richard Halderman Jr
4000 Birch Street
Ste 113
Newport Beach, CA 92660-2258

William Radcliffe
Law Offices of William Radcliffe
4195 Chino Hills Pkwy #377
Chino Hills, CA 91709-2618

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Bank Of America
Box 982238
El Paso, TX 79998

Discover Bank
Box 15316
Wilmington, DE 19850-5316

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Courtesy NEF

End of Label Matrix	
Mailable recipients	23
Bypassed recipients	1
Total	24